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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,514	03/19/2001	Vesa-Matti Jokinen	P-277904/299	2341

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EXAMINER

TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/787,514

Applicant(s)

JOKINEN, VESA-MATTI

Examiner

Barry W. Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19 is/are allowed.
- 6) ☒ Claim(s) 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Block et al (6,377,938 hereinafter Block) in view of Carlsson et al (6,026,291 hereinafter Carlsson) further in view of Martin et al (5,765,108 hereinafter Martin).

Regarding claim 20. Block teaches a system, method and network for billing subscribers in a telecommunication network, wherein subscriber has billing accounts that are charged when services of the telecommunication network are used (abstract), comprising:

at least one subscriber billing group having at least two subscribers (col. 13 line 56 – col. 14 line 9);

assigning each subscriber a billing account in a billing database (col. 6 lines 39-44, col. 7 lines 45-50, col. 12 lines 20-240).

According to Applicant's, Block uses single account verses separate accounts for each subscriber (see paper number 7, page 2 lines 1-7, dated 4/16/2004).

The Examiner notes that Block discloses group billing permitting subscribers to charge telephone, paging, cellular, and other communication services to a single account. For example, all charges from the Billing Group (BG) can be charged to a

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main billing number and the Class Of Service (COS) can be established by the main billing number (col.14 lines 4-9).

Carlsson discloses using three separate registers within the system so that several terminals can be associated with one user, several users to be associated with one terminal, several subscriptions to be associated with one user, and several users to be selectively associated with one subscription wherein the subscription records include a list of allowed users for each subscription account (abstract). Carlsson teaches a cellular user can select a schedule that defines which subscriber accounts will be charged at specified times during the week (abstract, col. 1 lines 51-53, and col. 1 line 60 – col. 2 line 19). Carlsson teaches charging a personal account for private calls and charging a business account for business calls (col. 3 lines 21-38, col. 5 line 36 – col. 6 line 36, col. 6 lines 62-66, col. 8 lines 20-33 and lines 62-67) based on a specified schedule. For example, Carlsson shows that business account (see item 260 figure 5) is to be charged for all calls made between 8:00 a.m. and 5:00 p.m. on weekdays and personal account (item 265) is to be charged for calls made between 1:30 p.m. and 4 p.m. on the weekend (i.e. day 6).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Carlsson into the teachings of Block for the benefit of preventing employees from using company account during non-business days.

Next, Applicants contend that Block in view of Carlsson fail to teach billing accounts with access rights (see Applicants general comment on page 7, paper dated 6/3/05 and comment on page 6, paper dated 11/7/05).

Martin teaches telecommunications system where users of the system have control of respective groups of mobile telephones belonging to a controlled group (abstract, column 1, col. 7 line 5 – col. 8 line 40, col. 8 line 43 – col. 9 line 16). Martin not only identifies users and user group but also identifies group privileges (item 320 figure 6a, col. 11 line 14 – col. 12 line 47). Martin not only allows companies the ability to limit calls from company phones during weekdays but allows for different parameters to be controlled for the respective mobile group thereby allowing companies the ability to control costs incurred by the use of mobile phones within a controlled group (col. 1 lines 15-32, col. 6 lines 60-62, col. 7 lines 5-65, col. 8 line 41 – col. 9 line 59).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Martin into the teachings of Block and Carlsson in order to allow companies the ability to set limits on accounts associated with their employees.

2. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Block et al (6,377,938 hereinafter Block) in view of Carlsson et al (6,026,291 hereinafter Carlsson) further in view of Jain et al (6,282,274 hereinafter Jain).

Regarding claim 20. Block teaches a system, method and network for billing subscribers in a telecommunication network, wherein subscriber has billing accounts that are charged when services of the telecommunication network are used (abstract), comprising:

at least one subscriber-billing group having at least two subscribers (col. 13 line 56 – col. 14 line 9);

assigning each subscriber a billing account in a billing database (col. 6 lines 39-44, col. 7 lines 45-50, col. 12 lines 20-240).

According to Applicant's, Block uses single account verses separate accounts for each subscriber (see paper number 7, page 2 lines 1-7, dated 4/16/2004).

The Examiner notes that Block discloses group billing permitting subscribers to charge telephone, paging, cellular, and other communication services to a single account. For example, all charges from the Billing Group (BG) can be charged to a main billing number and the Class Of Service (COS) can be established by the main billing number (col.14 lines 4-9).

Carlsson discloses using three separate registers within the system so that several terminals can be associated with one user, several users to be associated with one terminal, several subscriptions to be associated with one user, and several users to be selectively associated with one subscription wherein the subscription records include a list of allowed users for each subscription account (abstract). Carlsson teaches a cellular user can select a schedule that defines which subscriber accounts will be charged at specified times during the week (abstract, col. 1 lines 51-53, and col. 1 line 60 – col. 2 line 19). Carlsson teaches charging a personal account for private calls and charging a business account for business calls (col. 3 lines 21-38, col. 5 line 36 – col. 6 line 36, col. 6 lines 62-66, col. 8 lines 20-33 and lines 62-67) based on a specified schedule. For example, Carlsson shows that business account (see item 260 figure 5) is to be charged for all calls made between 8:00 a.m. and 5:00 p.m. on weekdays and

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personal account (item 265) is to be charged for calls made between 1:30 p.m. and 4 p.m. on the weekend (i.e. day 6).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Carlsson into the teachings of Block for the benefit of preventing employees from using company account during non-business days.

Next, Applicants contend that Block in view of Carlsson fail to teach billing accounts with access rights (see Applicants general comment on page 7, paper dated 6/3/05 and comment on page 6, paper dated 11/7/05).

Jain teaches selectable billing options for telecommunications wherein subscribers can designate billing options on a per-call basis thereby allowing subscribers to establish a plurality of service accounts and designate to which of these accounts the charge for a particular call is to be billed (abstract, col. 1 lines 5-14, col. 3 lines 6-26, col. 4 lines 8-66, col. 6 line 41 – col. 7 line 64, col. 9 lines 6-55, col. 11 lines 13-51).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Jain into the teachings of Block and Carlsson in order to allow subscribers the ability to select billing preferences and service accounts on a per-call basis.

***Allowable Subject Matter***

3. Claims 1-19 are allowed.

***Response to Arguments***

4. Applicant's arguments filed 5/17/05 have been fully considered but they are not persuasive.

Applicants generally contend that prior art fails to teach a network element configured to carry out predetermined procedures in or between accounts of a subscriber billing group, e.g., enabling an employer to carry out balance transfers between billing accounts within a group, when an employee has used too many minutes (see paper dated 5/17/06 page 3 lines 10-13).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., network element configured to carry out predetermined procedures in or between accounts of a subscriber billing group, e.g., enabling an employer to carry out balance transfers between billing accounts within a group, when an employee has used too many minutes) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the



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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Thursday, 6:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost, can be reached at (571) 272-7872. The central facsimile phone number for this group is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Centralized Delivery Policy:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the central fax number (571-273-8300).

Barry W. Taylor  
Art Unit 2617

  
**BARRY TAYLOR**  
**PRIMARY EXAMINER**